

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**MONARCH NETWORKING
SOLUTIONS LLC,**

Plaintiff,

v.

**CISCO SYSTEMS, INC.; MERAKI
LLC; DUO SECURITY, INC.,**

Defendants.

CIVIL ACTION NO. 6:20-CV-381-ADA

JURY TRIAL DEMANDED

SCHEDULING ORDER

IT IS HEREBY ORDERED that the above entitled and numbered case is set for the following schedule:

Date	Event
August 13, 2020	Case Management Conference
August 27, 2020	Deadline for Motions to Transfer
August 27, 2020	The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit separate motions for entry of each Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
October 5, 2020	Defendant shall serve preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including CAD drawings and software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales

	information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.
October 19, 2020	Parties exchange claim terms for construction
November 5, 2020	Parties exchange proposed claim constructions
November 12, 2020	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefor. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
November 19, 2020	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
December 1, 2020	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite
December 21, 2020	Parties file Responsive claim construction briefs
January 7, 2021	Parties file Reply claim construction briefs
January 11, 2021	Parties submit Joint Claim Construction Statement. In addition to filing, the parties shall jointly submit, via USB drive, Box (not another cloud storage), ¹ or email to the law clerk, pdf versions of all as-filed briefing and exhibits. Each party shall deliver to Chambers paper copies of its Opening, Response, and Reply <i>Markman</i> Briefs, omitting attachments. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
February 4, 2021	<i>Markman</i> hearing
February 11, 2021	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a)

¹ To the extent a party wishes to use cloud storage, the parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

March 18, 2021	Deadline to add parties
April 1, 2021	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
April 29, 2021	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims.
May 27, 2021	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
June 17, 2021	Close of fact discovery
June 24, 2021	Opening expert reports
July 22, 2021	Rebuttal expert reports
August 12, 2021	Close of expert discovery
August 19, 2021	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
August 26, 2021	Dispositive motion deadline and <i>Daubert</i> motion deadline
September 2, 2021	Serve Pretrial Disclosures (jury instructions, exhibit list, witness lists, discovery and deposition designations).
September 23, 2021	Serve objections to pretrial disclosures/rebuttal disclosures
September 30, 2021	Serve objections to rebuttal disclosures and File Motions <i>in limine</i>

October 7, 2021	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, designations); file oppositions to motions <i>in limine</i>
October 14, 2021	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
October 20, 2021	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i>
October 25, 2021	Final pretrial conference
November 15, 2021	Jury selection/trial

IT IS SO ORDERED this ____ day of _____, 2020.

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE